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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,053	07/17/2003	Brantley W. Coile	062891.1136	2275
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			EXAMINER WANG, LIANGCHE	
			ART UNIT	PAPER NUMBER
			2155	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/30/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/622,053	Applicant(s) COILE ET AL.	
	Examiner Liang-che Alex Wang	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15-19 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15-19 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-7, 9-13, 15-19, 21-25 are presented for examination.
2. This action is in response to amendment filed on 2/28/2007.
3. Claims 1, 3-7, 9-13, 15-19, 21-25 are amended. Claims 2, 8, 14, 20 are cancelled.

Response to Arguments

4. Applicant's arguments filed 02/28/2007, have been fully considered but they are not persuasive.
5. In that remarks, applicant's argues in substance:
 - a. That: Lim fails to disclose "determining whether a quad of the packet is in a list of non-participating connections to the server."

In response to applicant's argument, Lim teaches the use of method table dispatch 24 to determine if a process should be done in locally or remotely to server (Col 7 lines 7-17, Col 9 line 61- Col 10 line 14), which corresponds to "determining whether a quad of the packet is in a list of non-participating connections to the server." Applicant argues there is no reference to any quad. By definition, quad is a block of memory. Lim teaches the method table to determine if a process is local or remote process. The determination is based on the information regarding the process being determined. And the only form for the system to read the information, are blocks of memory that contains the information for the system to read. Therefore the examiner is not persuaded, and the rejection is maintained.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 5-7, 11-13, 17-19, 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lim et al., US Patent Number 6,718,550, hereinafter Lim.
8. Referring to claim 1, Lim teaches a method for communicating data between a client and a server (Col 4 line 66- Col 5 line 2, Col 8 lines 62-65, Col 10 lines 41-45), comprising:
- a. initiating a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to “a participating application” and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer corresponds to the action of “initiating”;) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing

through transport layer corresponds to “the participating application participates in a transport protocol”);

- b. initiating a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “initiating”) for transmitting packets between the client and the server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the non-participating application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);
- c. determining (Col 7 lines 7-17, method table dispatch 24 is used to make determination) whether a quad of the packet is in a list of non-participating connections to the server (Col 2 lines 39-42, 51-57, (local method table corresponds to “a list of non-participating connections to the server”)); and
- d. in response to determining that the quad of the packet is in the list (Col 7 lines 7-11; Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if the client and server are determined to be in a local process), transmitting the packet on the non-participating path (paths 75, 76, figure 1b) through the non-participating application (Col 8 line 62 –Col 9 line 9; Col 2 lines 51-57, local process dispatch

which bypasses the transport layer which corresponds to “a non-participating application” is used);

- e. in response to determining that the quad of the packet is in not the list (Col 7 lines 12-15), transmitting the packet on the participating path (path 77, figure 1b) through the participating application (Col 2 lines 47-51, remote process dispatch which passes through the transport layer corresponds to “a participating application”).
9. Referring to claim 5, Lim teaches the method of claim 1, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application (Col 19 lines 13-40, the headers are masked out (modified) when the process is local (non-participating application)).
10. Referring to claim 6, Lim teaches the method of claim 1, further comprising determining whether to add a quad associated with the client to the list based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application. Therefore the packets transmitted with the same machine which are having the different security status compared to the packets transmitted processed in different computers, are being determined to be added on the list for local processing).
11. Referring to claim 7, Lim teaches a system for communicating data between a client and a server (figure 1a) comprising:

- a. a client (item 20 figure 1a);
- b. a server (Col 8 line 63);
- c. a memory (local m-table) operable to store a list of quads, wherein each quad is associated with a non-participating connections between one of plurality of clients and server (Col 9 line 66-Col 10 line 14);
- d. a participating application (remote process dispatch which passes through the transport layer corresponds to a participating application), operable to transmit packets from the client to the server using a transport protocol (Col 2 lines 47-51; Col 8 lines 44-61; Col 10 lines 42-45);
- e. a non-participating application (local process dispatch which bypasses the transport layer corresponds to a non-participating application), operable to transmit packets from the client to the server without using a transport protocol (Col 2 lines 51-57; Col 8 line 62- Col 9 line 9; Col 10 lines 45-48);
- f. an intercepting controller (Object Request Broker 11, figure 1a) operable to determine whether a quad of a packet is in the list (Col 7 lines 7-17);
- g. in response to determining that the quad of the packet is in the list (Col 7 lines 7-11; Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if the client and server are determined to be in a local process), transmitting the packet on the non-participating path (paths 75, 76, figure 1b) through the non-participating application (Col 8 line 62 –Col 9 line 9; Col 2 lines 51-57, local process dispatch which bypasses the transport layer which corresponds to “a non-participating application” is used);

h. in response to determining that the quad of the packet is in not the list (Col 7 lines 12-15), transmitting the packet on the participating path (path 77, figure 1b) through the participating application (Col 2 lines 47-51, remote process dispatch which passes through the transport layer corresponds to “a participating application”);

12. Referring to claim 11, Lim teaches the system of claim 7, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application (Col 10 lines 45-53; Col 19 lines 13-40).

13. Referring to claim 12, Lim teaches the system of claim 7, wherein the intercepting controller is further operable to determine whether to add a quad associated with a particular one of the plurality of clients to the list based on a security status of the particular client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application. Therefore the packets transmitted with the same machine which are having the different security status compared to the packets transmitted processed in different computers, are being determined to be added on the list for local processing).

14. Referring to claim 13, Lim teaches an apparatus for communicating data between a client and a server (figure 1a) comprising:

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- a. a memory (local m-table) operable to store a list of quads, wherein each quad is associated with a non-participating connections between one of plurality of clients and server (Col 9 line 66-Col 10 line 14);
- b. a participating application (remote process dispatch which passes through the transport layer corresponds to a participating application), operable to transmit packets from the client to the server using a transport protocol (Col 2 lines 47-51; Col 8 lines 44-61; Col 10 lines 42-45);
- c. a non-participating application (local process dispatch which bypasses the transport layer corresponds to a non-participating application), operable to transmit packets from the client to the server without using a transport protocol (Col 2 lines 51-57; Col 8 line 62- Col 9 line 9; Col 10 lines 45-48);
- d. an intercepting controller (Object Request Broker 11, figure 1a) operable to determine whether a quad of a packet is in the list (Col 7 lines 7-17);
- e. in response to determining that the quad of the packet is in the list (Col 7 lines 7-11; Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if the client and server are determined to be in a local process), transmitting the packet on the non-participating path (paths 75, 76, figure 1b) through the non-participating application (Col 8 line 62 –Col 9 line 9; Col 2 lines 51-57, local process dispatch which bypasses the transport layer which corresponds to “a non-participating application” is used);

15. Referring to claim 17, Lim teaches the apparatus of claim 13, wherein the non-participating application comprises an application that modifies a packet header of

packets transmitted by the non-participating application (Col 10 lines 45-53; Col 19 lines 13-40).

16. Referring to claim 18, Lim teaches the apparatus of claim 13, wherein the intercepting controller is further operable to determine whether to add a quad associated with a particular one of the plurality of clients to the list based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers, so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application. Therefore the packets transmitted with the same machine which are having the different security status compared to the packets transmitted processed in different computers, are being determined to be added on the list for local processing).
17. Referring to claim 19, Lim teaches a computer program product for transmitting packets between a client and a server, the computer program product being embodied in a computer readable medium, and comprising instruction for:
 - a. initiating a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to "a participating application" and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer corresponds to the action of "initiating";) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application

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participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing through transport layer corresponds to “the participating application participates in a transport protocol”);

- b. initiating a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “initiating”) for transmitting packets between the client and the server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the non-participating application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);
- c. determining (Col 7 lines 7-17, method table dispatch 24 is used to make determination) whether a quad of the packet is in a list of non-participating connections to the server (Col 2 lines 39-42, 51-57, (local method table corresponds to “a list of non-participating connections to the server”)); and
- d. in response to determining that the quad of the packet is in the list (Col 7 lines 7-11; Col 2 lines 54-57; Col 8 line 62 –Col 9 line 9, if the client and server are

determined to be in a local process), transmitting the packet on the non-participating path (paths 75, 76, figure 1b) through the non-participating application (Col 8 line 62 –Col 9 line 9; Col 2 lines 51-57, local process dispatch which bypasses the transport layer which corresponds to “a non-participating application” is used);

- e. in response to determining that the quad of the packet is in not the list (Col 7 lines 12-15), transmitting the packet on the participating path (path 77, figure 1b) through the participating application (Col 2 lines 47-51, remote process dispatch which passes through the transport layer corresponds to “a participating application”).

18. Referring to claim 23, Lim teaches the computer program product of claim 19, wherein the non-participating application comprises an application that modifies a packet header of packets transmitted by the non-participating application (Col 19 lines 13-40, the headers are masked out (modified) when the process is local (non-participating application)).

19. Referring to claim 24, Lim teaches the computer program of claim 19, wherein the computer program is further operable to determine whether to add a quad associated with the client to the list based on a security status of the client (Col 5 line 60-Col 6 line 3, security services are used between processes on different computers², so if a remote client is sending a packet to remote server, the security status of the client would be process on different computers, which is serviced by the participating application. Therefore the packets transmitted with the same machine which are having the different security status

compared to the packets transmitted processed in different computers, are being determined to be added on the list for local processing).

20. Referring to claim 25, Lim teaches a system for communicating data between a client and a server (Col 4 line 66- Col 5 line 2, Col 8 lines 62-65, Col 10 lines 41-45), comprising:

- a. means for initiating a participating application (Col 2 lines 47-51, there are remote process dispatch methods and local process dispatch methods, each corresponds to an application; remote process dispatch which passes through the transport layer corresponds to “a participating application” and when the remote dispatch method is arranged to cause invocation requests to be routed through a transport layer corresponds to the action of “initiating”;) for transmitting packets between a client and a server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the participating application participates in a transport protocol (Col 8 lines 44-61; when remote dispatch method is selected, packets are sent using path 77 shown on figure 1b, which passes through transport layer 38, and remote dispatch having packets passing through transport layer corresponds to “the participating application participates in a transport protocol”);
- b. means for initiating a non-participating application (Col 2 lines 51-57, local process dispatch which bypasses the transport layer corresponds to “a non-participating application”; and when the local dispatch method is arranged to cause invocation requests to be pass to a servant without being routed through a transport layer corresponds to the action of “initiating”) for transmitting packets

between the client and the server (Col 8 lines 44-48, Col 10 lines 41-45, remote request (packets) are transmitted from client to server), wherein the non-participating application does not participate in the transport protocol (Col 8 line 62- Col 9 line 9; Col 10 lines 45-48; when a local process is identified, path 75 and 76 are taken, local dispatch process using path 75 and 76 to bypass transport 38 corresponds to “the non-participating application does not participate in the transport protocol”);

- c. means for determining whether to transmit a packet from the client to the server using the participating application or the non-participating application (Col 7 lines 7-17, method table dispatch 24 determines a local stub function (non-participating application) should be called or a remote function (participating application) should be called).
- d. means for determining (Col 7 lines 7-17, method table dispatch 24 is used to make determination) whether a quad of the packet is in a list of non-participating connections to the server (Col 2 lines 39-42, 51-57, (local method table corresponds to “a list of non-participating connections to the server”)); and
- e. means for transmitting the packet on the non-participating path (paths 75, 76, figure 1b) through the non-participating application (Col 8 line 62 –Col 9 line 9; Col 2 lines 51-57, local process dispatch which bypasses the transport layer which corresponds to “a non-participating application” is used) in response to determining that the quad of the packet is in the list (Col 7 lines 7-11; Col 2 lines

54-57; Col 8 line 62 –Col 9 line 9, if the client and server are determined to be in a local process);

- f. means for transmitting the packet on the participating path (path 77, figure 1b) through the participating application (Col 2 lines 47-51, remote process dispatch which passes through the transport layer corresponds to “a participating application”) in response to determining that the quad of the packet is in not the list (Col 7 lines 12-15).

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 3, 4, 9, 10, 15, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Transmission Control Protocol RFC 793, hereinafter RFC 793.

23. Referring to claims 3 and 4, Lim teaches the method of claim 1, wherein if a non-

participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-

participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

24. Referring to claims 9 and 10, Lim teaches the system of claim 7, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

25. Referring to claims 15 and 16, Lim teaches the apparatus of claim 13, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

26. Referring to claims 21 and 22, Lim teaches the computer program product of claim 19, wherein if a non-participating application is determined to be used (Col 8 line 62-Col 9 line 9, if a local process is identified), TCP/IP layer (transport layer) is bypassed (path 75 and 76, figure 1b, bypass transport layer)).

Lim does not expressly teach wherein the non-participating application does not acknowledge packets transmitted by the non-participating application, and wherein non-participating application does not check a checksum of packets transmitted by the non-participating application.

However, RFC793 teaches acknowledgement and checksums calculating are required in a TCP/IP connection (page 15-16, 21, also see page 14 lines 16-24 of specification).

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to not acknowledge packets nor check a check checksum of packets transmitted in a TCP/IP protocol when using the non-participating application of Lim because Lim does not anticipated in TCP/IP connection when using a non-participating application (see figure 1b and Col 8 line 67-Col 9 line 4).

A person with ordinary skill in the art would have been motivated to make the modification to Lim because having the shorter path, which does not acknowledge packets nor check a check checksum would allow Lim to reduce computing overhead by avoiding unnecessary anticipation of transport layer as taught by Lim (Col 2 lines 20-25).

Conclusion

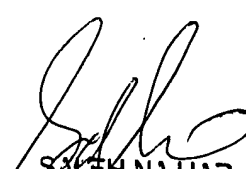
27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
28. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

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advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
March 13, 2007



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER